

REMARKS

Claims 1-54 are all the claims pending in the present application. Examination and favorable consideration of all pending claims are respectfully requested in view of the following remarks. Applicant submits that Groups I and II should be prosecuted in this Application.

The Examiner contends that the present application contains claims directed to the following patentably distinct inventions:

- I. Claims 1-39, drawn to a protected component and device made therefrom including a cement layer between the component and the protective layer, classified in class 266, subclass 280;
- II. Claims 40-54, drawn to a protected component and device made therefrom without any cement layer between the component and the protective layer, classified in class 266, subclass 239.

REMARKS

1. Election with Traverse

Applicant hereby elects the inventions of Group I, pertaining to claims 1-39 with traverse, and asserts that Group II should also be prosecuted in this Application. Applicant respectfully requests reconsideration and withdrawal of the restriction requirement.

2. Argument in Support of Restriction Requirement Traversal

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (a) the inventions must be independent or distinct as claimed; and
- (b) there must be a serious burden on the Examiner if restriction is required.

MPEP § 803.01.

Applicant submits the Examiner has not established a proper basis for restrictions in this case with respect to Groups I and II. In particular, examination of these two groups of claims is not seen to be as serious burden. The second group only contains fourteen claims, and, as the Examiner has already pointed out, both groups of claims are in the same class.

Conclusion

Applicant respectfully requests the Examiner to reconsider and withdraw the Restriction Requirement because the close relationship between the respective inventions establishes that there is no serious burden of examining all the claims in a single application. If there are any issues which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to **Deposit Account No. 19-3878**.

April 14, 2006

Date

Respectfully submitted,

By


Matthew J. Evans

Reg. No. 56,530

SQUIRE, SANDERS & DEMPSEY, LLP.

Two Renaissance Square

40 North Central Ave., Suite 2700

Phoenix, Arizona 85004

Telephone: (602) 528-4124

Facsimile: (602) 253-8129